

AMENDED IN ASSEMBLY MAY 18, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

## Assembly Joint Resolution

No. 10

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### Introduced by Assembly Member Torlakson

*(Coauthors: Assembly Members Adams, Ammiano, Anderson, Arambula, Beall, Block, Blumenfield, Brownley, Buchanan, Caballero, Charles Calderon, Carter, Chesbro, Coto, Davis, De La Torre, De Leon, Evans, Feuer, Fong, Fuentes, Fuller, Furutani, Gilmore, Hall, Hayashi, Hernandez, Hill, Huber, Huffman, Jones, Krekorian, Lieu, Bonnie Lowenthal, Ma, Mendoza, Monning, Nava, Nestande, Niello, John A. Perez, V. Manuel Perez, Portantino, Ruskin, Salas, Silva, Skinner, Solorio, Audra Strickland, Swanson, Torres, Torrico, Tran, and Yamada)*

March 9, 2009

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Assembly Joint Resolution No. 10—Relative to Social Security.

#### LEGISLATIVE COUNSEL'S DIGEST

AJR 10, as amended, Torlakson. Social Security: retirement benefits: public employees.

This measure would request the President and the Congress of the United States to enact the Social Security Fairness Act of 2009, which would repeal the Government Pension Offset and the Windfall Elimination Provision from the Social Security Act.

Fiscal committee: no.

- 1 WHEREAS, After 1965, California's educators were not allowed
- 2 to participate in the federal social security system; and
- 3 WHEREAS, Most peace officers and firefighters, and many
- 4 other public employees, are not covered by Social Security; and

1 WHEREAS, Due to higher contribution rates, the California  
2 State Teachers' Retirement System and the California Public  
3 Employee's Retirement System provide retirees with superior  
4 benefits compared to those provided by the federal social security  
5 system; and

6 WHEREAS, The State Teachers' Retirement System is not  
7 coordinated with the federal social security system; and

8 WHEREAS, The benefits of certain members of the Public  
9 Employees' Retirement System and retirement systems established  
10 pursuant to the County Employees Retirement Law of 1937 are  
11 not coordinated with the federal social security system; and

12 WHEREAS, The public safety officers' retirement plans are  
13 uniquely designed to address the special needs of their professions,  
14 including firefighters' unique employment characteristics, such as  
15 the physical demands of the job, which ultimately result in higher  
16 injury rates and permanent disabilities; and

17 WHEREAS, The Social Security Act includes two offsets, the  
18 Government Pension Offset and the Windfall Elimination  
19 Provision, that reduce the social security benefits payable to  
20 persons who are entitled to benefits under other retirement systems,  
21 under certain conditions which directly controvert the designed  
22 intention of these California public retirement system plans; and

23 WHEREAS, These provisions penalize individuals who move  
24 from private sector employment to teaching, public safety, and  
25 other careers in public service, and vice versa; and

26 WHEREAS, These provisions penalize individuals who earned  
27 social security benefits through their own employment prior to or  
28 after public service by denying earned benefits; and

29 WHEREAS, California has a significant teacher shortage and  
30 requires more than 16,000 new teachers per year to meet enrollment  
31 growth needs, retirement replacement, as well as class size  
32 reduction in targeted schools; and

33 WHEREAS, Every child should have the opportunity to have  
34 a highly qualified teacher in his or her classroom, but the Social  
35 Security Act offsets limit the number of fully credentialed teachers  
36 in the classroom by penalizing individuals who change from private  
37 to public employment; and

38 WHEREAS, The recruitment and retention of career firefighters,  
39 peace officers, and other public safety officers from other states,  
40 who are entitled to social security benefits upon retirement, are

1 also limited and restricted by the existing offsets, thereby making  
2 non-social security covered employment less attractive to those  
3 professionals and, as a result, limiting the number of experienced,  
4 knowledgeable people who might otherwise seek out public safety  
5 careers in California; and

6 WHEREAS, The recruitment and retention of teachers and other  
7 public employees from other states, who are entitled to social  
8 security benefits upon retirement, are also limited and restricted  
9 by these offsets; and

10 WHEREAS, The Social Security Fairness Act of 2009, which  
11 would repeal the Government Pension Offset and the Windfall  
12 Elimination Provision, is currently before Congress; and

13 WHEREAS, The elimination of the Government Pension Offset  
14 and the Windfall Elimination Provision would greatly improve the  
15 opportunities for hiring and retaining teachers, peace officers,  
16 firefighters, and other public employees in California; and

17 WHEREAS, The elimination of the Government Pension Offset  
18 and the Windfall Elimination Provision would provide economic  
19 stimulus across California by providing earned retirement benefits  
20 to public servants in every region of this great state during this  
21 time of economic distress; now, therefore, be it

22 *Resolved by the Assembly and the Senate of the State of*  
23 *California, jointly*, That the Legislature of the State of California  
24 requests the Congress of the United States to support the Social  
25 Security Fairness Act of 2009, which would repeal the Government  
26 Pension Offset and the Windfall Elimination Provision from the  
27 Social Security Act, and further, the Legislature of the State of  
28 California requests President Barack Obama to sign that legislation;  
29 and be it further

30 *Resolved*, That the Chief Clerk of the Assembly transmit copies  
31 of this resolution to the President and Vice President of the United  
32 States, to the Speaker of the House of Representatives, the Majority  
33 Leader of the Senate, and to each Senator and Representative from  
34 California in the Congress of the United States.